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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2008-282*

12 **CINDY LEE VINSONHALER,**  
13 **a.k.a. CINDY LEE MCKINNON**  
733 Solitude Drive  
Oakley, CA 94561

**ACCUSATION**

15 Registered Nurse License No. 544145

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing.  
21 2. On or about June 16, 1998, the Board of Registered Nursing issued  
22 Registered Nurse Number 544145 to Cindy Lee Vinsonhaler, a.k.a. Cindy Lee McKinnon  
23 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant  
24 to the charges brought herein and will expire on April 30, 2008, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Registered Nursing  
27 ("Board"), Department of Consumer Affairs, under the authority of the following laws. All  
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1 section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in  
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
5 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of  
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
8 against the licensee or to render a decision imposing discipline on the license. Section 2811(b)  
9 of the Code provides, in pertinent part, that the Board may renew an expired license at any time  
10 within eight years after the expiration.

11 6. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or  
13 deny an application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed  
16 nursing functions.

17 . . . .

18 7. Title 16, California Code of Regulations, section 1443, states:

19 "As used in Section 2761 of the code, 'incompetence' means the lack of possession  
20 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed  
21 and exercised by a competent registered nurse as described in Section 1443.5."

22 8. Title 16, California Code of Regulations, section 1443.5, states:

23 "A registered nurse shall be considered to be competent when he/she consistently  
24 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
25 sciences in applying the nursing process, as follows:

26 (1) Formulates a nursing diagnosis through observation of the client's physical  
27 condition and behavior, and through interpretation of information obtained from the client and  
28 others, including the health team.

1 (2) Formulates a care plan, in collaboration with the client, which ensures that  
2 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and  
3 protection, and for disease prevention and restorative measures.

4 (3) Performs skills essential to the kind of nursing action to be taken, explains the  
5 health treatment to the client and family and teaches the client and family how to care for the  
6 client's health needs.

7 (4) Delegates tasks to subordinates based on the legal scopes of practice of the  
8 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
9 effectively supervises nursing care being given by subordinates.

10 (5) Evaluates the effectiveness of the care plan through observation of the client's  
11 physical condition and behavior, signs and symptoms of illness, and reactions to treatment and  
12 through communication with the client and health team members, and modifies the plan as  
13 needed.

14 (6) Acts as the client's advocate, as circumstances require, by initiating action to  
15 improve health care or to change decisions or activities which are against the interests or wishes  
16 of the client, and by giving the client the opportunity to make informed decisions about health  
17 care before it is provided.”

18 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
19 request the administrative law judge to direct a licentiate found to have committed a violation or  
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
21 and enforcement of the case.

### 22 **FACTUAL BACKGROUND**

23 10. On or about October 20, 1999, at approximately 17:45 hours, Patient J.G.<sup>1</sup>  
24 was admitted to the Labor and Delivery Unit at John Muir Medical Center (“John Muir”) in  
25 Walnut Creek for an induction of labor. The induction began at approximately 20:06 hours.

26 11. On or about October 21, 1999, Respondent was on duty as a registered  
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28 1. Initials are used in order to preserve confidentiality. Full patient names will be disclosed pursuant to a request for discovery.

1 nurse in the Labor and Delivery Unit at John Muir. At approximately 05:00 hours, Patient J.G.  
2 was administered Pitocin. At approximately 07:27 hours, Patient J.G. was administered an  
3 epidural. At approximately 15:15 hours, Respondent and Candyce Ann Warren, R.N.  
4 ("Warren") assumed care of Patient J.G. Warren was assigned as a preceptor for Respondent.

5 12. At approximately 16:52 hours, Patient J.G. was "complete" and 10  
6 centimeters dilated. From approximately 17:05 hours to 17:21 hours, the fetal monitor tracing  
7 showed a fetal heart rate above 160. At approximately 17:12 hours, Respondent documented that  
8 the fetal heart rate was in the 160's and charted it as "reassuring." At approximately 17:15 hours,  
9 Patient J.G.'s Obstetrician/Gynecologist, Alan Kaplan, M.D., was present. At approximately  
10 17:21 hours, Dr. Kaplan attempted to rotate the fetus into an anterior position. At approximately  
11 17:26, oxygen was applied. At approximately 17:50, Respondent documented late fetal heart rate  
12 decelerations. At approximately 17:58 hours, the Pitocin was discontinued. At approximately  
13 18:10, Patient J.G. was prepared for a cesarean section and moved to the operating room. A baby  
14 girl, C.G., was delivered at approximately 18:23 hours and needed to be resuscitated. On or  
15 about March 25, 2001, C.G. was diagnosed with cerebral palsy.

#### 16 **FIRST CAUSE FOR DISCIPLINE**

##### 17 **(Incompetence)**

18 13. Respondent is subject to disciplinary action under section 2761(a)(1) of  
19 the Code on the grounds of unprofessional conduct in that on or about October 21, 1999, while  
20 on duty as a registered nurse in the Labor and Delivery Unit at John Muir, Respondent was guilty  
21 of incompetence, within the meaning of Title 16, California Code of Regulations section 1443,  
22 when she assumed the care of Patient J.G., in the following respects:

23 a. Respondent was incompetent in her fetal assessment at 17:12 hours in that  
24 she failed to identify and accurately document a non-reassuring fetal heart rate pattern, or  
25 tachycardia. Respondent failed to intervene appropriately to the tachycardia in that she failed to  
26 notify a physician, failed to take the temperature of Patient J.G., failed to administer an IV bolus,  
27 failed to reposition Patient J.G., failed to administer oxygen, and failed to monitor Patient J.G.'s  
28 vital signs, which had a potential to cause harm to the fetus.

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2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Incompetence)**

4 14. Respondent is subject to disciplinary action under section 2761(a)(1) of  
5 the Code on the grounds of unprofessional conduct in that on or about October 21, 1999, while  
6 on duty as a registered nurse in the Labor and Delivery Unit at John Muir, Respondent was guilty  
7 of incompetence, within the meaning of Title 16, California Code of Regulations section 1443,  
8 when she assumed the care of Patient J.G., in the following respects:

9 a. Respondent was incompetent in that she delayed intrauterine resuscitation  
10 in response to late fetal heart rate decelerations documented at 17:50 hours. Respondent failed to  
11 reposition Patient J.G., failed to administer an IV bolus, and delayed until 17:58 hours to  
12 discontinue the Pitocin, which had a potential to cause harm to the fetus.

13 **PRAYER**


14 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse Number 5441445, issued to  
17 Cindy Lee Vinsonhaler, a.k.a. Cindy Lee McKinnon;

18 2. Ordering Cindy Lee Vinsonhaler, a.k.a. Cindy Lee McKinnon, to pay the  
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
20 Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 4/14/08

23   
24 RUTH ANN TERRY, M.P.H., R.N.  
25 Executive Officer  
26 Board of Registered Nursing  
27 State of California  
28 Complainant